

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	Kuldeep JAIN <i>et al.</i>	Confirmation No.:	4567
Application No.:	10/752,891	Examiner:	Leon Jonathan Harper
Filed:	January 7, 2004	Group Art Unit:	2166

For: REMOTE MANAGEMENT AND ACCESS OF DATABASES, SERVICES
AND DEVICES ASSOCIATED WITH A MOBILE TERMINAL

Commissioner for Patents
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants respectfully request a pre-appeal brief review be made of the present application for at least the following clear errors.

I. SUMMARY

The claimed invention provides apparatus, systems, methods and computer program products for remotely accessing and managing a mobile terminal and, more particularly, for remote functional access to devices, services, and applications associated with the mobile terminal. The user of the mobile terminal has remote access to all of the databases and functions provided by the mobile terminal. If the user should not be in possession of the mobile terminal, the user may still functionally access the databases, services and devices using a remote network device, such as a PC.

In addition to user access, the claimed invention provides for service providers or service administrators to remotely access and manage the mobile terminal. The mobile terminal includes a data processor that executes a web server application and content engine application. It is this web server application that is executed on and by the mobile terminal that provides for a remote network device to access the mobile terminal via a communication link, e.g. the Internet. The content engine is in communication with the web server application and provides functional access, by a remote access device, to one or more devices associated with the mobile terminal.

II. ISSUE

Whether claims 1 through 53 are obvious under 35 U.S.C. § 103 based on *Watkinson* (US 2005/0131957) in view of *Lee et al.* (US 2002/0120719)?

III. ARGUMENT

Independent claim 1, for example, recites a “mobile terminal apparatus...comprising a processor that executes a web server.” Independent claims 14, 25, 34, and 43 recite a similar feature. Accordingly, each of claims 1 through 53 recites a **mobile terminal that executes/implements a web server**, or something similar.

The Examiner has acknowledged that *Watkinson* lacks any teaching of such a mobile terminal executing/implementing a web server (see the paragraphing bridging pages 3-4 of the Final Office Action), and relies solely on *Lee et al.* to provide for this claim feature. In particular, the Examiner cites paragraphs [0024] and [0105] for a teaching of a “web server that provides for a remote network device to access the mobile terminal via a wireless communication link.” Paragraph [0024] states that an “end user may access the WAP server at a mobile carrier, and the

mobile server/WAP server communicate in HTTP over an internet, or a LAN, with a Web Server” and paragraph [0105] does recite that a “push program will send the alert in a WML to the mobile phone 41, via the WAP gateway, 51” and that a “mobile user can select the URL in the alert and send a response or status update back to the SWE using the WML communication mechanism.”

Thus, while *Lee et al.* may provide for a “web server that provides for a remote network device to access the mobile terminal via a wireless communication link,” the instant claims recite a “**mobile terminal** apparatus...comprising a processor that **executes a web server**” or “a **mobile terminal** that **implements a web server**.” The claimed invention provides for the mobile terminal executing or implementing a web server that provides remote network devices access to an addressable website, portal, or homepage that resides on the mobile terminal. The mobile terminal will generally function similar to an origin server residing on the Internet (See page 9, lines 16-23, of the instant specification, for example). Although the Examiner has tried on numerous occasions to provide a reference that discloses such a feature, the Examiner has not yet succeeded in doing so and such piecemeal prosecution is both unfair and costly to Applicants.

The Examiner is clearly overlooking the plain text reading of the claims, as the claims do not recite a “web server that provides for a remote network device to access the mobile terminal via a wireless communication link,” but rather recite that the **mobile terminal executes/implements a web server**.

Lee et al. is at least the third secondary reference that the Examiner has relied on for an alleged teaching of a **mobile terminal executing/implementing a web server** during a long and tortuous prosecution, and, just like the previous applied references, *Lee et al.* fails to disclose any such feature.

Similar to the *Nakanaga* reference applied in a previous rejection, *Lee et al.*, at best, provides for mobile terminals that implement a browsing function and are configured to access a homepage from a web server located on the network side and not on a mobile terminal.

While independent claim 34 does not specifically recite a “web server,” the claim is directed to an application that is capable of providing a remote network device access to a mobile terminal, and of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal. Thus, independent claim 34, like independent claims 1, 14, 25, and 43, is clearly patentable under 35 U.S.C. § 103 based on *Watkinson* in view of *Lee et al.*.

Since neither *Watkinson* nor *Lee et al.*, nor any combination thereof, discloses the claim feature of a **mobile terminal executing/implementing a web server**, as in independent claims 1, 14, 25, and 43, or the claim feature of an application capable of providing a remote network device access to a mobile terminal, and of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal, as in independent claim 34, the Examiner’s rejection of claims 1-53 under 35 U.S.C. § 103 is clearly erroneous and the Appeal Brief Panel is respectfully requested to withdraw this rejection.

IV. CONCLUSION

For the foregoing reasons, the Appeal Brief Panel is respectfully requested to withdraw the rejection of the present application in light of these clear errors and allow the pending claims.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

October 20, 2009

Date

/Phouphanomketh Ditthavong/

Phouphanomketh Ditthavong
Attorney for Applicant(s)
Reg. No. 44658

Errol A. Krass
Attorney for Applicant(s)
Reg. No. 60090

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9952
Fax (703) 519-9958